UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JERMAINE TOUSSAINT BOLLING,

      Plaintiff,

    v.   Case No. 10-C-678

MARY LYNN MURPHY and KARL HELD,

      Defendants.

ORDER

Plaintiff is a pro se § 1983 litigant, currently incarcerated at Sturtevant Transitional Facility. Presently before the Court is plaintiff's motion for appointment of counsel. The Court has already approved plaintiff's request to proceed *in forma pauperis* in this case. (Dkt. 11.) Indigent civil litigants have no constitutional or statutory right to be represented by counsel in federal court. *McKeever v. Israel*, 689 F.2d 1315 (7th Cir. 1982). Although the court has the power to request an attorney to represent an indigent civil litigant, 28 U.S.C. § 1915(e)(1), the decision is a discretionary one. *Jackson v. County of McLean*, 953 F.2d 1070, 1071 (7th Cir. 1992). There is no funding for appointed counsel in civil cases, and counsel is therefore rarely asked to represent civil litigants on a pro bono basis. Given the fact that a successful civil rights plaintiff is entitled to recovery of attorney's fees, *see* 42 U.S.C. § 1988, civil rights plaintiffs are expected in most circumstances to secure their own counsel. Appointment of counsel at this stage is not proper because plaintiff has demonstrated an ability to communicate clearly, and represent himself effectively, thus far in the proceedings. In addition, it is unclear what independent steps plaintiff has taken to secure counsel.

That said, counsel may be appointed on some cases if doing so is necessary to ensure the plaintiff is not denied due process of law. If the case proceeds further and the Court believes that the assistance of counsel would be necessary to ensure the plaintiff a fair shot at enforcing his constitutional rights, the court may order the appointment of counsel on its own motion. At this point the plaintiff's motion, however, is **DENIED**.

      SO ORDERED this   2nd   day of December, 2010.

          s/ William C. Griesbach
          William C. Griesbach
          United States District Judge